## REMARKS

Applicant submits that the following remarks and amendments attend to all issues and rejections presented in the non-final Office Action mailed March 14, 2008.

Claims 1-17 and 24-28 have been canceled herein. Claims 29-32 are newly added. Claims 18-23 and 29-32 remain pending, with claims 18 and 22 being independent.

Claims 18-21 are amended to clarify antecedence for the recipient user agent. Claim 18 is further amended to include a feature of utilizing a session initiation protocol and managing storage of multimedia data. Support for this amendment is found in at least paragraphs [00127]-[00131] of the specification and in FIGS. 12A-12D. Claim 19 is further amended to include a feature that the surrogate proxy user agents are registered with a registration entity. Support for this amendment is found in at least paragraph [0144] and shown in FIG. 14A. Claim 22 is further amended to include a feature of utilizing a session initiation protocol and managing storage of multimedia data. Support for this amendment is found in at least paragraphs [00127]-[00131] of the specification and in FIGS. 12A-12D.

New claims 29, 30, 31, and 32 depend from claims 18, 29, 22, and 31, respectively, and include a feature of utilizing one or more media stream proxies with a realtime transport protocol. Support for claims 29-32 is found in at least paragraphs [00127]-[00131] of the specification and in FIGS. 12A-12D.

No new matter is added by these amendments.

**Claim Rejections – 35 U.S.C. 102**

Claims 1-17 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0075815 to Sharma et al. Claims 1-17 have been canceled herein, rendering this rejection now moot.

Claims 18-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0173308 to Dorenborsch et al. (hereinafter "Dorenborsch"). Applicant respectfully traverses this rejection.

The present Application features the use of a session initiation protocol and a realtime transport protocol to deliver streamed multimedia message traffic in a network

environment. One or more surrogate proxy agents are created for a recipient user agent, such that while the recipient user agent is unable (or unwilling) to receive multimedia messages, the surrogate proxy agents manage storage of any multimedia messages sent to the recipient agent. When the recipient agent becomes available to receive multimedia messages, the surrogate proxy agents forward any stored messages to the recipient user agent. The present Application thus features two distinct proxy mechanisms (UAS/UAC (SIP) and Media Stream (RTP), for example – as featured in at least paragraphs [00127]-[00131]) to deliver multimedia messages to a recipient user agent. The surrogate proxy agents may be created at the edge of the network by a client edge terminal device (ETD), such as a personal computer (PC).

The surrogate proxy agents of the present Application (as shown and described with relation to item 4021 of FIG. 14B) registers with a registration entity (e.g., a SIP server) within a session initiation fabric (e.g., session initiation fabric 1021, FIG. 12A), and does not register with the recipient or subscriber. That is, the surrogate proxy agent(s) register(s) with the registration entity on behalf of a recipient agent (e.g., a subscriber), such that these surrogate proxy agents may be established for the recipient agent without the recipient agent being "logged in" or "registered" to the registration entity (e.g., items 1041 and 1091 of FIGs 12A and 12B, respectively). Figures 12A and 12B, for example, show how a User Agent Surrogate Proxy may be established by either end-point users U1 or U2, on behalf of end-point user U2. These surrogate proxy agents may be established on an edge terminal device that represents client hardware/software at the edge of the network, and not server hardware/software in the middle of the network or in a message pathway within the network, as described by Dorenbosch.

In contrast, Dorenborsch discloses an instant message (IM) proxy that maintains an availability of status of a mobile subscriber when the subscriber is roaming or temporarily out of network coverage. The proxy of Dorenborsch is created when the user logs in to an IM login server and operates to retransmit text messages to the subscriber until they are successfully delivered, or until a retry timer or retry counter is exceeded. Dorenborsch fails to teach (or suggest) the use of either of a session initiation protocol (SIP) or a realtime transport protocol (RTP). Dorenborsch only briefly mentions that a protocol may exist (see FIGS. 5-6), but fails to teach or suggest that a proxy is formed using such a protocol, let alone that the protocol is SIP or RTP.

Furthermore, Dorenborsch fails to teach or suggest any handling of streamed multimedia messages. Dorenborsch operates only with simple IM text messages, which cannot be reasonably interpreted to be either streamed, or multimedia, messages as the terms are defined in the present Application. Additionally, Dorenbosch requires that the subscriber must register with the "IM login server" to become available to participate in an IM session. In the present Application though, the multimedia messages are buffered even when the recipient is not connected or 'logged-in' to the network. These advantages realized by the claims of the present Application are discussed further below with respect to the obviousness rejection of claim 23 based (in part) on Dorenborsch.

Amended claim 18 recites a method for best effort delivery messaging for a recipient user agent, including the steps of:

(a) as directed by the recipient user agent, forming one or more surrogate proxy user agents utilizing a session initiation protocol for the recipient user agent; and

(b) through operation of the surrogate proxy user agents, managing storage of multimedia data for the recipient user agent due to one or both of (a) unavailability of the recipient user agent and (b) request by the recipient user agent.

It should be noted that the rejection of claim 18 incorrectly quotes paragraph [0002] of Dorenborsch, where the cited text actually appears in paragraph [0019]. Nevertheless, the IM proxy 24 of Dorenborsch (paragraph [0019]) is not equivalent to the surrogate proxy user agents of claim 18. Dorenborsch fails to disclose use of a session initiation protocol to create its IM proxy 24. The IM proxy 24 is created by a user login to the system, whereas the surrogate proxies of claim 18 are created utilizing a session initiation protocol. As discussed above, the surrogate proxies of the present Application (step (a)) operate without requiring any subscriber login, and therefore are not "created by" a subscriber login, as required by Dorenborsch.

Additionally, as also noted above, Dorenborsch does not disclose handling of multimedia messages, and therefore Dorenborsch cannot store multimedia data as recited in step (b). For at least these reasons, Dorenborsch cannot anticipate claim 18. Reconsideration and withdrawal of the rejection of claim 18 are respectfully requested.

Claims 19-21 depend from claim 18 and benefit from like arguments. Moreover, these claims have additional features that patentably distinguish over Dorenborsch.

For example, claim 19 recites registering the surrogate proxy user agents with a registration entity such that notification events on changes of the recipient user agent's availability are received by the surrogate proxy user agents. As noted above, and featured in claim 19, the surrogate proxy user agents register with a registration entity (e.g., with a SIP server) on behalf of a recipient agent ("subscriber"), and may be established for the recipient agent without the recipient agent being "logged in" or "registered" to the SIP server. Dorenborsch, on the other hand, discloses that the subscriber must register with the IM login server to become available to participate in an IM session.

Claim 20 features attempting delivery of the multimedia data when the recipient user agent becomes available. Since Dorenborsch fails to disclose multimedia data, Dorenborsch cannot anticipate claim 20 for at least these reasons as well.

Claim 21 recites ranking the multimedia data for sequentially-ordered delivery of the multimedia data when the recipient user agent becomes available. Again, since Dorenborsch discloses the handling of only text – and not multimedia – messages, Dorenborsch cannot disclose ranking of multimedia data, as featured in claim 21.

Amended claim 22 recites a method for best effort delivery messaging for a sending user agent, comprising the steps of:

(a) from a list of one or more receiving user agents specified by the sending user agent, forming one or more surrogate proxy user agents utilizing a session initiation protocol for each of the receiving user agents; and

(b) through operation of the surrogate proxy user agent, managing storage of multimedia data for its respective receiving user agent until the receiving user agent is disposed to receive the multimedia data.

In particular, amended claim 22 recites a method for best effort delivery messaging for a sending user agent. That is, the sending agent initiates the steps of claim 22 when sending a multimedia message to one or more receiving agents. As noted above, the receiving agents need not be connected or logged-in to the network. The sending agent supplies a list of one or more receiving agents and one or more surrogate proxy

agents are formed for each of the listed receiving agents utilizing a session initiation protocol. The receiving agent is not required to form the surrogate proxy agents. Dorenborsch makes no disclosure of the sending user agent creating one or more surrogate proxy agents to store or buffer multimedia data.

As discussed above, the IM proxy 24 of Dorenborsch (paragraph [0019]) is not equivalent to the surrogate proxy user agents of claim 22, since Dorenborsch fails to disclose use of a session initiation protocol, and does not disclose handling of multimedia messages. Therefore, Dorenborsch cannot manage storage of multimedia data as featured in step (b) of claim 22.

For at least these additional reasons, Dorenborsch cannot anticipate claims 19-22, and reconsideration and withdrawal of the rejection of these claims is therefore again respectfully requested.

**Claim Rejections – 35 U.S.C. 103**

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenborsch as applied to claim 22 and in further view of Untied States Patent Application No. 2002/0073142 to Moran (hereinafter "Moran"). Applicant respectfully traverses this rejection for at least the reasons discussed above, and because a *prima facie* case of obviousness has not been established against claim 23.

Initially, claim 23 depends from claim 22 and should be patentable for at least the reasons discussed above in traversing the rejection of claim 22 based on Dorenborsch alone. Moran also fails to disclose the use of a session initiation protocol and a realtime transport protocol, and therefore the proposed combination is deficient for the same reasons as the rejection based only on Dorenborsch, as discussed above. Applicant further traverses the rejection of claim 23 as follows.

Claim 23 features managing multimedia data as distributed across a network, as well as one or more of prefixing, appending, inserting, combining, and mixing other data with the multimedia data, and one or more of blanking, deleting, and filtering the multimedia data. The Examiner correctly acknowledges that Dorenborsch fails to teach or suggest these features. The rejection thus relies only upon Moran for somehow

resolving this deficiency in Dorenborsch. Moran does not teach or suggest, however, all of the features of claim 23 for which it is cited. Furthermore, no teaching or suggestion has been cited that indicates the desirability of the *combination* itself.

First, it must be pointed out that the citations from Moran fail to even assert that all of the limitations from claim 23 appear in the reference. For example, the rejection asserts that Moran discloses "appending information to the buffered data," but fails to cite any portion of the reference as also teaching one or more of blanking, deleting, and filtering the multimedia data, as required by claim 23. Moran discloses only that the message server is able to separate the appended information from the combined message, but not that appended multimedia content is itself blanked, deleted, or filtered in a buffering step. Moran merely appends the multimedia content as part of the combined message, but does nothing more with it at a buffering step. Only a user is able to even separate the multimedia content from text, for example. The multimedia content is not blanked, deleted, or filtered, however, before reaching the user. Accordingly, the Section 103 rejection is initially deficient under Section 2143.03 of the MPEP.

The Section 103 rejection is also deficient under the requirements of Section 2143.01 of the MPEP, for failing to submit any objective evidence on the record to support the proposed combination itself. The portions cited from Moran in favor of the combination actually have nothing to do with the combination. Paragraphs [0015-0016] and [0056-0063] of Moran describe only the reasons to follow the teachings of Moran by themselves. These cited paragraphs fail to teach or suggest anything regarding the proposed combination with Dorenborsch. Section 2143.01 requires evidence pointing toward using the two references together, and not merely the purported advantages of one by itself. The proposed combination thus fails to indicate how Moran's multimedia attachments could be combined with Dorenborsch's texting system, let alone that the alleged combination is somehow desirable. The present invention is drawn toward a system that manages multimedia content itself, and not one that merely attaches multimedia content to a text message, as proposed by the rejection. Moran, for example, fails to even disclose a surrogate agent for buffering multimedia data. Accordingly, a *prima facie* case of obviousness has not been established.

Additionally, the proposed combination is itself contradictory. Dorenborsch teaches nothing more than a text-based instant messaging system. As discussed above, mere text cannot be reasonably interpreted to be "multimedia." The proposed combination actually supports this argument. Moran clearly teaches that multimedia content is something other than text. Moran discloses that the multimedia content is something separate that is appended to a text message. The proposed combination therefore, clearly reveals a major flaw in the Section 102 rejection that is based solely on Dorenborsch: Dorenborsch does not manage multimedia as claimed. The obviousness rejection is therefore further deficient for at least these reasons.

Lastly, even could a *prima facie* case of obviousness be established based only on a combination of Dorenborsch and Moran (which Applicant does not concede), such a case would be clearly rebutted by the advantages realized by the present claims, discussed above, which cannot be achieved by either of the cited references, whether taken alone or in combination. As discussed above, Dorenborsch requires a login to initiate a proxy, whereas the present claims – and claim 23 in particular – may operate without any such login. The protocol establishes the surrogate proxy agents. Any combination of Dorenborsch with Moran would still always require the login, and therefore the present claims will always have at least this advantage over the proposed combination. Accordingly, even if valid, the proposed combination would be overcome on rebuttal.

For at least these reasons, even when combined, Dorenborsch and Moran cannot render claim 23 obvious. Reconsideration and withdrawal of the rejection of claim 23 are therefore respectfully requested.

Claims 24-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moran and in further view of Untied States Patent Application No. 2002/0059272 to Porter. Claims 24-28 have been canceled herein, rendering this rejection now moot.

**New claims 29-32**

New claims 29 and 30 depend from claims 18 and are not anticipated by Dorenborsch for at least the reasons presented above for claim 18.

New claims 31 and 32 depend from claim 22 and are not anticipated by Dorenborsch for at least the reasons presented above for claim 22.

A Petition for Three Months Extension of Time is submitted herewith, along with authorization to charge the required petition fee to Deposit Account No. 12-0600. If any additional fee is deemed necessary in connection with this Response, the Commissioner is authorized to charge such fee to the aforementioned deposit account. Should any questions arise, or any issues remain outstanding regarding this Response, the Examiner is encouraged to telephone Applicant's attorney, Josh Snider, at (720) 931-3013.

Respectfully submitted,

LATHROP & GAGE L.C.

Date: September 15, 2008 By _____

Josh Snider, Reg. No. 47,954
4845 Pearl East Circle, Suite 300
Boulder, Colorado 80301
Telephone: (720) 931-3013
Facsimile: (720) 931-3001